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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2010-11

13 **WAYNE TONSBURG**
14 **aka RELDON WAYNE TONSBURG**
15 **aka RELDON W. TONSBURG**
16 **220 Sky Oaks Drive**
17 **Angwin, CA 94508**

A C C U S A T I O N

18 **Registered Nurse License No. 263213**

19 Respondent.

20 *Complainant alleges:*

21 **PARTIES**

22 1. Ruth Ann Terry, M.P.H., R.N. (Complainant), brings this Accusation solely in her
23 official capacity as the Executive Officer of the Board of Registered Nursing (Board),
24 Department of Consumer Affairs.

25 2. On or about January 31, 1976, the Board issued Registered Nurse License Number
26 263213 to Wayne Tonsberg, aka Reldon Wayne Tonsberg and/or Reldon W. Tonsberg
27 (Respondent). The license was in full force and effect at all times relevant to the charges brought
28 herein and will expire on March 31, 2011, unless renewed. On or about July 16, 1993, the
Tennessee Board of Nursing issued Registered Nurse License Number 94898 to Respondent; the
license expired on February 29, 2000, and has not been renewed.

JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Code section 2750 provides in pertinent part that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Code section 2764 provides in pertinent part that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

STATUTORY PROVISIONS/REGULATIONS

6. Code section 2761 states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

"...

"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

"..."

7. California Code of Regulations, title 16, section 1444, states:

"A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

"(a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160.

"(b) Failure to comply with any mandatory reporting requirements.

“(c) Theft, dishonesty, fraud, or deceit.

"(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the Penal Code."

COST RECOVERY

8. Code section 125.3 provides in pertinent part that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

CAUSE FOR DISCIPLINE

(Conviction of a Substantially Related Crime)

9. Respondent is subject to disciplinary action under Code section 2761, subdivisions (a) and (f), in that he was convicted of a crime substantially related to the qualifications, functions, and duties of a registered nurse, as follows:

10. On or about August 25, 1999, in the Circuit Court of Cheatham County Tennessee, case number 13320, Respondent pled guilty to and was convicted of Aggravated Sexual Battery of a child under 13 years of age, a Class B felony violation of Tennessee Code Annotated (TCA) section 39-13-504. Respondent was sentenced as a 100 percent violent offender to serve 8 years in state prison.¹

11. Respondent is registered as a sex offender with the Napa County Sheriff's Office pursuant to the requirements of California's Sex Offender Registration Act (Penal Code section 290).

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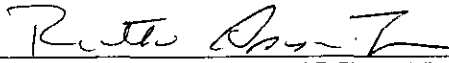
¹ The Tennessee Criminal Sentencing Reform Act of 1989 classified all felonies according to their seriousness and required that 100 percent of the sentence imposed be served for certain enumerated offenses, including Aggravated Sexual Battery.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 263213, issued to Wayne Tonsberg;
2. Ordering Wayne Tonsberg to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: 7/9/09


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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